

Group II: Claims directed to Figures 11-12 and one of the acquisition layer compositions and one of the acquisition/distribution layer compositions and one of the second absorbent core component materials and one of the third absorbent core component materials and one of the storage/redistribution layer compositions.

Group III: Claims directed to Figures 11 and 13 and one of the acquisition layer compositions and one of the acquisition/distribution layer compositions and one of the second absorbent core component materials and one of the third absorbent core component materials and one of the storage/redistribution layer compositions.

Applicants submit that dependent Claim 33 is directed to the third absorbent core component, and that the Examiner's requirement to include the third absorbent core component in a species selection and to select claims directed to a genus claim of this third absorbent core component is unclear. Applicants are willing to comply with the requirements of 35 U.S.C. 121 in electing species to prosecute on the merits, however, the Examiner has not provided clarity in the description of the groups from which Applicants should make such an election. Based on the requirements of the present Office Action, Applicants are requesting clarification on the selection of claims drawn to the subject matter of 1) Claim 1 and dependent claims as identified in Groups I, II or III wherein the subject matter of dependent Claim 33 is included, and wherein there are no claims directed to the essential feature (an absorbent core comprising a front panel and a back panel) of Figures 11, 12 and 13; 2) Claim 33 and dependent claims as identified in Groups I, II, or III wherein the subject matter of dependent Claim 33 is included, and wherein there are no claims directed to the essential feature (an absorbent core comprising a front panel and a back panel) of Figures 11, 12 and 13; or 3) Claims drawn only to the subject matter of Claim 33 and any dependent claims therefrom.

Applicants further submit that there are no pending claims directed to an acquisition layer comprising only an absorbent foam material, an acquisition/distribution layer comprising only a polymeric foam material, or a storage/redistribution layer comprising only fibrous nonwoven materials or only polymeric foam materials. According to MPEP 802 and 37 CFR 1.142 the restriction requirement should be based on two or more independent and distinct *claimed* inventions, and the Examiner should require Applicants to elect the invention to which the claims should be restricted. Applicants request the Examiner to further provide a restriction requirement based on two or more independent and distinct claimed inventions based on Applicants' claimed species, not a species determined by the Examiner. Moreover, Applicants submit that the claims drawn to the acquisition layer materials, the acquisition/distribution layer materials, and the storage/redistribution layer materials, recite a few number of closely related materials that can be examined without serious burden on the Examiner. Therefore, these claims should be examined as entire claims without a requirement of a provisional election of a chosen single species within the claims.

In view of the foregoing remarks, Applicants submit that the restriction requirement applied in the present application is improper and, therefore, request reconsideration of this

restriction requirement. Clarification of the patentably independent and distinct groups is needed for Applicants to comply with 35 U.S.C. 121 in the election of species to prosecute on the merits. Furthermore, there are no pending claims related to two of the three groups from which Applicants are required to make an election.

Respectfully submitted,
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